

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**LINDA S. HIGGINS,**

**Defendant.**

**8:06CR347**

## ORDER

This matter is before the court on the motion to continue by defendant Linda S. Higgins (Higgins) (Filing No. 21). Higgins seeks a continuance of the trial scheduled for May 14, 2007. Higgins's counsel represents that counsel for the government has no objection to the motion. Higgins has previously has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Higgins acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 15). Further, Higgins's counsel represents that Higgins consents to this motion and understands the time requested will be excluded under Speedy Trial Act computations. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Higgins's motion to continue trial (Filing No. 21) is granted.
2. Trial of this matter is re-scheduled for **July 16, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 2, 2007 and July 16, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 2nd day of May, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge